

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

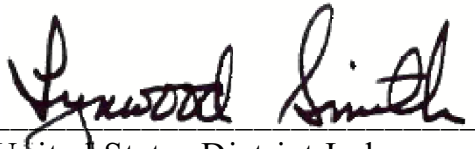
REGINALD DEMETRIUS)	
BARNES,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No. CV 04-S-1084-W
)	
WARDEN; ATTORNEY)	
GENERAL OF THE STATE)	
OF ALABAMA,)	
Respondents.)	

ORDER

On November 2, 2005, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 be dismissed without prejudice as moot. No objections have been filed.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be and hereby is ADOPTED, and the recommendation is ACCEPTED. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled cause is due to be, and it hereby is, DISMISSED without prejudice as MOOT.

DONE this 28th day of November, 2005.



United States District Judge